IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.1001 of 2005

Between:

1 Kandhula Pochaiah, S/o. Bheemaiah,
Ramagundam (M), Karimnagar District.
2 Biyala Bannakka, W/o. Narayana,
R/o. Isampet Village, Ramagundam (M), Karimnagar District.

..... PETITIONERS

AND

The Revenue Divisional Officer, Peddapalli, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the respondent issued in Ref.No.D/35/2005 - 5 in Form-V, dt. 10-1-2005 is illegal, void abinitio and contrary to the provisions of Section 245 of A.P. Panchayat Raj Act and Rules made therein under.

Counsel for the Petitioners: MR.A.RAVINDER

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

-

-

-

-

-

-

-

-

Oral order:

Petitioner No.1 and the husband of petitioner No. 2, who were elected as MPTC from Lingapur and Potiyala constituencies of Ramagundam Mandal, Karimnagar District, have filed this writ petition assailing the notice dated 10-1-2005 issued by the respondent-Revenue Divisional Officer in Form-V under sub-section (1) of Section 245 of the A.P. Panchayat Raj Act, 1994 intimating that the meeting of the Mandal Parishad would be conducted on 29-1-2005 at 11-00 A.M. in the Office of the Ramagundam Mandal Parishad for considering the motion of no-confidence moved against the President.

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj for the respondent.

The learned counsel for the petitioners submits that though eight MPTCs are said to have moved notice of no-confidence against the President of the Mandal Parishad, and though petitioner No.1 and the husband of petitioner No.2 are not parties to the said representation, yet the representation contains their names and signatures, which are written wrongly and forged, and though as per the provisions of the Act, the notice of no-confidence is required to be delivered to the respondent in person, it has not been done so as neither petitioner No.1 nor the husband of petitioner No.2 went to the respondent to deliver the same, and the respondent without verifying the names and signatures of the MPTCs who are alleged to be parties to the notice of no-confidence, has issued the impugned notice for considering the motion of no-confidence moved against the President of the Mandal Parishad, which is illegal

and arbitrary.

I am not inclined to interfere with the impugned notice. The impugned notice merely calls upon the MPTCs to attend the meeting of the Mandal Parishad on 29-1-2005 for considering the motion of no-confidence of moved against the President of the Mandal Parishad. If petitioner No.1 and the husband of petitioner No.2 are not parties to the motion of no-confidence moved against the President of the Mandal Parishad, it is always open for them to vote against the motion at the time of considering the motion of no-confidence. If according to the petitioners, their signatures were forged on the notice of no-confidence, it is always open for them to initiate appropriate criminal proceedings against the persons who are alleged to have forged their signatures, but merely on allegations that they did not appear before the respondent to deliver the notice of no-confidence and that their signatures were forged, the impugned notice cannot be interfered with, and more so when the notice invites all the MPTCs to attend the meeting to consider the motion of no-confidence, where they can freely exercise their option of either supporting or defeating the motion.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

Date: 28th January, 2005.

KSR/NSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer, Peddapalli, Karimnagar District.

2. Two CCS to GP for Panchayat Raj and Rural Development, High Court of AP, Hyderabad (OUT)

3. 2 CD copies

*Form-NIC-OGS/WP{**SPJS**}*